



WESTERN REGIONAL OFFICE

3074 Gold Canal Drive
Rancho Cordova, CA 95670-6116
(916) 852-2000 Fax (916) 852-2200
www.ducks.org

January 28, 2011

Philip Isenberg, Chair
Delta Stewardship Council
980 Ninth Street, Suite 1500
Sacramento, CA 95814

RE: Delta Plan Scoping; Ducks Unlimited's comments

Dear Chairman Isenberg:

Approximately 44% of the Pacific Flyway populations of waterfowl and other migratory birds depend on seasonal wetlands found in the Central Valley, Delta and San Francisco Bay area. These habitats, among other things, provide birds with the energy resources needed to survive the winter and build the body reserves needed to fuel their spring migration. No one area contains enough seasonal wetlands to support waterfowl populations at the desired population goals set by the international North American Waterfowl Management Plan (NAWMP). However, due to the importance of these areas, including the Delta, to waterfowl populations in the Pacific Flyway, the Delta has been and remains a high priority for migratory bird conservation. Thousands of acres of seasonal freshwater wetland habitat, costing millions of public and private dollars, have been restored in this region by Ducks Unlimited, numerous private landowners, multiple state and federal agencies and other conservation groups.

That being said, Ducks Unlimited vigorously supports restoration of the entire Delta's ecosystem. It was and is upon that ecosystem that thousands of generations of migratory birds, as well as salmon, steelhead and other migratory and resident fish species depend on to sustain their populations. A properly balanced ecosystem works well for all of its ecological components.

How important historically was the Delta in providing wintering and staging habitat to waterfowl? The answer: extremely important. Prior to European settlement, the Delta was a mosaic of habitats, with freshwater marshes covering most of its 100 or so "islands." Dense tule marshes formed immediately behind natural alluvial levees and seasonal wetlands and riparian forest were found at higher inland elevations. As a major component of the San Francisco Bay estuary complex, these

Delta wetlands provided nutritional and energy supplies and other life history requirements at one time or another during the annual wintering period of August through April for a flyway population numbering in the hundreds of millions of ducks, geese, swans, cranes, shorebirds and other birds. As an indicator of the magnitude of its historic significance, the area supported a vigorous market hunting industry in the 19th and early 20th century which provided food for San Francisco and the gold rush miners. In 1900, five game transfer companies were handling a minimum of 250,000 ducks per year in the San Francisco markets; dabbling ducks –mallard, American wigeon and green-winged teal- accounted for more than 280,000 birds sold in SF markets in the 1895-6 season.

San Francisco Bay estuary's numerous freshwater, brackish and salt marshes supported these seasonal populations; in particular, the Suisun Marsh and the Delta interior was one of the few areas of the Central Valley that were wet during the early months of the wintering period (the other being the Tulare Lake which is no longer extant) and was capable of providing habitat for early arriving migrants. Today, the Delta, Lower Yolo Basin and Suisun Marsh continue to be important feeding and staging areas, particularly for tundra swans, white-fronted geese, pintail, canvasback and cranes, albeit at much smaller populations. But, with Tulare Lake gone and much of San Francisco Bay permanently developed, the opportunities for providing habitat critical to wintering birds of the Pacific Flyway have been reduced considerably.

In an effort to return these populations to a long-term sustainable level identified in the NAWMP, Ducks Unlimited and our Central Valley Joint Venture (CVJV) partner organizations have spent the past two decades and countless number of private and public conservation dollars in protecting, restoring and enhancing seasonal freshwater wetlands and agricultural lands to benefit these waterfowl and other species in the Delta. Central to this effort, the CVJV has developed, adopted and revised a Central Valley Implementation Plan (Plan) which methodically identifies habitat goals, objectives and strategies for the Delta and other Valley areas based on established science. The CVJV Plan has been prepared by and for its 20 member non-governmental conservation organizations and public agencies. The Plan contains objectives for restoring, enhancing and managing wetland habitats throughout the Central Valley subdivided into hydrologic units, including the Delta Basin and Suisun Marsh Basin most directly affected by this current planning process. Its primary foundation is the energetic requirements of migratory birds that winter in the Central Valley.

Many years of implementation have resulted in the restoration, enhancement and intensive management of thousands of acres in these two basins which have contributed to the success of the CVJV and our individual member organizations in

meeting the overall goal of the effort, which is to provide the energetic needs of wintering migratory birds needed to sustain population levels of the benchmark 1970s decade. However, the Plan calls for approximately 22,000 acres of additional seasonal wetland to be restored in the Delta Basin, the Yolo Basin and the Suisun Marsh –most of which would be located within the intertidal zone of the Delta. This is the same area where restoration of tidal wetland habitat for fish is being proposed.

The focus of recent conversations about the Delta has been on fish. We recognize that the Delta is vital to supporting sustainable native resident and anadromous fish species. It is clearly a region where habitat improvements must be made to favor aquatic elements of the ecosystem. However, the ecological needs of fish, while often overlapping, are not identical to those of terrestrial species such as ducks and geese. The restoration plan for the Delta's ecosystem must not look at one species or group of species in isolation; rather, we believe that the Delta Plan must consider and then take appropriate steps to address the shortcomings of all of the trophic levels, all of the species, all of the habitats, and all of the ecological functions of the Delta. Both tidal wetlands, particularly important to the sustainability of aquatic species, and seasonal wetlands essential to migratory waterfowl and other terrestrial species, have been largely eliminated. Restoration of habitat for one group of species should not be done at a cost to another and it must be done in a way that avoids undoing the accomplishments of the CVJV partnership.

Section 85302 (e) (6) of the Public Resources Code requires that the Delta Plan contain sub-goals and strategies for restoring a healthy ecosystem, including (sub-goals and strategies) to "(r)estore habitat necessary to avoid a net loss of migratory bird habitat and, where feasible, increase migratory bird habitat to promote viable populations of migratory birds (emphasis added). This mandatory provision is critical to the interests of waterfowl and other bird species in the Pacific Flyway. The Legislature included this provision in the Sacramento-San Joaquin Delta Reform Act of 2009 because it is clear that the work of the CVJV over the past 20 years could be voided or at least substantially eroded in the course of developing a Plan and designing habitat conservation measures that were solely focused on aquatic species.

This provision of law not only mandates the avoidance of a net loss of migratory bird habitat but implies the need to critically analyze how that habitat will be impacted. Without that analysis it would be impossible to assess or measure the impacts of the restoration actions called for in the Delta Plan to migratory bird habitat. The bottom line is that when the plan has been implemented, the energetic contributions of the Delta and the Suisun Marsh to the hundreds of thousands of

migratory birds utilizing these areas now are not diminished, and preferably where "feasible" according to the Statute, increased.

With the above in mind, Ducks Unlimited believes that the Delta Plan and the accompanying environmental documents will be incomplete and non-compliant with the law unless it 1. contains a scientifically valid analysis of the ecological functions and values of habitat that will be restored (or converted) to determine the effects of these actions on migratory birds and their habitat in the planning area; 2. identifies the measures needed to mitigate for any losses to migratory bird habitat; and, 3. identifies feasible actions to promote "viable populations of migratory birds."

We are aware of preliminary proposals for restoration actions that have suggested converting seasonal freshwater wetlands to tidal wetlands without considering or assessing the impacts on the previous work of conservationist like us or the impact on bird populations that depend on them. We believe that the Delta Plan's ecological and legal validity rides on, among other things, thoughtful and honest consideration of these three issues. Our wetland scientists and planners stand ready to assist you to this end.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark E. Biddlecomb", with a large, stylized flourish extending from the end of the signature.

Mark E. Biddlecomb
Director